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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,224	11/28/2001	Martti Kesaniemi	0149US-Oplayo	2775

23521 7590 06/28/2004

SALTAMAR INNOVATIONS
30 FERN LANE
SOUTH PORTLAND, ME 04106

EXAMINER

SENF, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/28/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,224

Applicant(s)

KESANIEMI, MARTTI

Examiner

Behrooz Senfi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5.6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin (US 6,735,338).

Regarding claims 1, 40 Conklin '338 discloses "method for interpolating an image between a first and a second image" (i.e. abstract, col. 12, lines 36 - 40), and "forming a vector field composed of a number of motion vectors between the first and second image" (i.e. figs. 3 and 16), and "forming an intermediate image by using the vector field to interpolate values of the associated parameters of the motion vectors and calculating distortion between the formed intermediate image" (i.e. figs. 4 - 6, frame analysis), and "if the distortion is not acceptable, calculating new parameter values" reads on (figs. 4 - 6, frame analysis, and thresholding and error checking routines).

Regarding claims 2 - 4, Conklin '338 discloses, "motion vector represent color and motion information, and interpolation is made for at least one part of the image" (i.e. col. 1, lines 50 - 65, col. 3, lines 10 - 16).

Regarding claims 5 – 7, Conklin '338 discloses, "wherein when forming the intermediate image, values of adjusting parameter are taken into account" (i.e. col. 13, lines 25+).

Regarding claims 8 – 9, 11 – 16, Conklin '338 discloses, "distortion is a sum of error between the formed intermediate image and the image which is desired to be formed" (i.e. figs. 4 and 7, col. 10, lines 64 – col. 11, lines 10).

Regarding claims 10, 17, 18 and 19, the limitations claimed are substantially similar to claim 1, therefore the ground for rejecting claim 1 also applies here.

Regarding claims 20 – 23, Conklin '338 discloses, "calculation of associated parameter values" reads on (fig. 6, col. 8, lines 19 – 24 and col. 9, lines 10 – 15).

Regarding claims 24 - 27, Conklin '338 discloses, "more than one intermediate image is interpolated" (i.e. abstract, lines 1 – 5).

Regarding claims 28 – 33 and 34 - 35, Conklin '338 discloses, "encoder and decoder" (i.e. figs. 1, 3 and 9).

Regarding claims 36 – 39, Conklin '338 discloses, "singular motion vector" (i.e. fig. 3).

Regarding claims 41 – 43, the limitations claimed are substantially similar to claim 1, therefore the ground for rejecting claim 1 also applies here.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

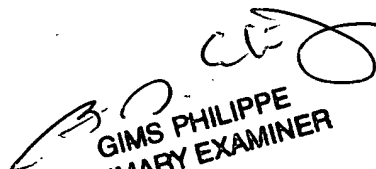
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. P.

6/17/2004


GIMS PHILIPPE
PRIMARY EXAMINER